

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David H. Sitrick	)
		)
For:	SYSTEM AND METHODOLOGY	)
	FOR MUSICAL COMMUNICATION	)
	AND DISPLAY	)
		)
Serial Number:	09/492,218	)
		)
Filed:	January 27, 2000	)
		)
Examiner:	M. Fletcher	)
		)
Art Unit:	2837	)
		)
Attorney Docket:	STD 1757	)

DECLARATION OF DAVID H. SITRICK UNDER 37 CFR 1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, David H. Sitrick, hereby declare and say that:

- 1) I am an attorney at law and a member of the firm of Sitrick & Sitrick whose offices are located at 8340 N. Lincoln Avenue in Skokie, Illinois. I am registered to practice before the United States Patent & Trademark Office, having been awarded Reg. No. 29,349. I have power of attorney to prosecute the above application. I am also the sole inventor on the above-referenced patent application. This application was filed on January 27, 2000, and issued on March 17, 1998.
- 2) On an Office Action for the above application, dated October 21, 2003, the Examiner cited the Lemelson et al. U.S. patent no. 5,823,788 as a basis of rejection under 35 USC section 103. The Lemelson et al. patent has a priority filing date of November 13, 1995 and an issue date of October 20, 1998, and is thus not prior art, and the present Applicant can and hereby does swear back of the Lemelson et al. patent as a reference, by means of this Declaration filed pursuant to Rule 131 (37 CFR 1.131) and the MPEP.
- 3) The above referenced patent application of the present Applicant has a priority filing date of July 10, 1996 and an issue date of March 17, 1998.

